



Phone: (302) 425-6410  
Fax: (302) 428-5132  
Email: [Poppiti@BlankRome.com](mailto:Poppiti@BlankRome.com)

September 17, 2008

ALL DELAWARE COUNSEL

**Re: Honeywell International Inc. et al. v. Apple Computer Inc. et al.**  
**C.A. No. 1:04-cv-01338-JJF**

Dear Counsel:

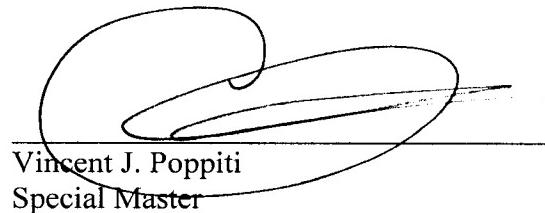
Attached are the charts for both Track 1 and Track 2 which I intend to file with Judge Farnan not later than close of business on September 23, 2008. Please note this is a date change from the date I gave to you yesterday.

While I have been pulling and reviewing filings from Pacer related to some pending motions, and knowing that papers already submitted to me contain some of the pending motions as attachments/exhibits, in the interest of both efficiency and completeness, I am asking that counsel who filed the original pending motion coordinate the submittal of all papers and relevant transcripts related to the motion with me not later than close of business on September 23, 2008.

Please recall that all submittals are to be made in triplicate paper copy – e-mail will not be necessary for these submittals. Submittals shall be accompanied by a transmittal letter which shall be docketed with the Court in C.A. No. 1:04-cv-01338-JJF. All materials that have been docketed should not be redocketed. Any new materials must be identified in the transmittal letter and docketed.

If you have any questions in this regard please contact Carrie David at (302) 425-6462 or e-mail her at [david-c@blankrome.com](mailto:david-c@blankrome.com).

SO ORDERED this 17<sup>th</sup> day of September, 2008.



Vincent J. Poppiti  
Special Master

1201 Market Street Suite 800 Wilmington, DE 19801

[www.BlankRome.com](http://www.BlankRome.com)

062038.00619/40176724v.1

Delaware • Florida • New Jersey • New York • Ohio • Pennsylvania • Washington, DC • Hong Kong

## TRACK 1

<b>Citizen's Motion for Summary Judgment</b>	
<b>Event</b>	<b>Special Master Proposal</b>
Oral Argument and Ruling on Citizen's Motion Re: Disputed Facts (if necessary)	September 29, 2008
Honeywell's Legal Brief (if necessary)	November 3, 2008
Citizen's Reply Brief (if necessary)	November 21, 2008
Oral Argument and Ruling on Citizen's Motion (if necessary)	TBD
Exceptions to Ruling (limited to 7 pages)	7 days after ruling
Replies to Exceptions (limited to 5 pages)	5 days after exceptions

<b>Proposed Schedule for Trial of Manufacturer Defendants</b>	
<b>Discovery Matters Unrelated to <i>Markman</i></b>	
<b>Event</b>	<b>Special Master Proposal</b>
Opening Briefs Regarding Parties' Exchange of All Communications with Customer Defendants Regarding Accused Products (limited to 4 pages per August 13, 2008 Order)	September 26, 2008
Responsive Briefs re: same (limited to 4 pages per August 13, 2008 Order)	October 10, 2008
Honeywell to produce all communications with customer defendants regarding accused products, to the extent not already done	October 15, 2008
Hearing on parties' exchange of all communications with customer defendants—decision at hearing	October 22, 2008
Hearing on Honeywell's pending motion for discovery regarding commercial success from Customer Defendants—decision at hearing	October 22, 2008

TRACK 1

**Discovery Matters Unrelated to *Markman***

<b>Event</b>	<b>Special Master Proposal</b>
Hearing on FUJIFILM's pending motion to compel Honeywell's production of its teardown information on modules it found to infringe but omitted from the chart produced in response to Magistrate Judge Thygne's May 17, 2007 oral order (D.I. 848; 851) (contingent on grant of Honeywell's motion for commercial success discovery)	October 22, 2008
Hearing on Manufacturer Defendants' request for Discovery from Honeywell regarding modules Honeywell dismantled but found not to infringe '371 patent (contingent on grant of Honeywell's motion for commercial success discovery)	October 22, 2008
Hearing on enforcement of Magistrate Thygne's Order of May 17, 2007 granting further deposition of Ted Wood re 50% hit rate (if necessary)	October 22, 2008
Hearing on Samsung SDI's pending motion to compel discovery previously withheld by Honeywell as common interest privilege	October 22, 2008
Discovery schedule regarding commercial success – Honeywell to show why it needs more than 45 days to complete discovery	TBD at October 22, 2008 hearing
Exceptions to rulings at October 22, 2008 hearing (limited to 7 pages)	October 29, 2008
Rеспonses to Exceptions (limited to 5 pages)	November 5, 2008

***Stipulation To Markman***

<b>Event</b>	<b>Special Master Proposal</b>
Honeywell to provide <i>Markman</i> related discovery including infringement contentions to all Customer Defendants	October 1, 2008
Customer Defendants to file stipulation to Judge Farnam's <i>Markman</i> decision	7 days after <i>Markman</i> ruling

TRACK 1

<b>Post-<i>Markman</i> Matters</b>	
<b>Event</b>	<b>Special Master Proposal</b>
Parties to supplement interrogatory responses, responses to requests for admission, and document requests	14 days after Judge Farnan's <i>Markman</i> ruling
Parties to make election regarding willfulness, including opinions of counsel, and production thereof.	14 days after Judge Farnan's <i>Markman</i> ruling
<b>Expert Discovery</b>	
<b>Event</b>	<b>Special Master Proposal</b>
Parties to report to each other whether they will supplement their expert reports on invalidity and unenforceability	10 days after the latter of the <i>Markman</i> Ruling or completion of discovery related to commercial success
Service of Reports on Which Each Party Has Burden	Expert reports on issues where each party has the burden 30 days after the latter of the <i>Markman</i> ruling or completion of discovery related to commercial success
Service of Expert Reports Responding to those where Each Party has Burden	Service of expert reports in response to opening reports 30 days after service of opening reports
Conclusion of Expert Discovery	<p>21 days after responsive expert reports</p> <ul style="list-style-type: none"> <li>• Invalidity depositions limited to new opinions relating to <i>Markman</i> Ruling and commercial success discovery, and limited to 4.0 hours per expert;</li> <li>• Infringement expert depositions limited to 4.0 hours, per expert, per party; and</li> </ul> <p>Damages expert depositions limited to 4 hours per defendant on Defendant-specific issues, an additional joint 3.5 hours on common issues (<i>e.g.</i>, expert's understanding <i>Georgia Pacific</i> factors)</p>

TRACK 1

	<b>Case Dispositive Motions</b>	<b>Special Master Proposal</b>
<b>Event</b>		
Opening Briefs (limited to 20 pages)		21 days after close of expert discovery
Oppositions to Opening Briefs (limited to 20 pages)		14 days after filing opening briefs
Reply Briefs (limited to 10 pages)		10 days after filing opposition briefs
Hearing on Case Dispositive Motions		TBD after Markman ruling
Rulings on Case Dispositive Motions		TBD after Markman ruling
Exceptions to Rulings on Case Dispositive Motions (limited to 7 pages)		7 days after the Rulings on the Case Dispositive motions
Replies to Exceptions to Rulings on Case Dispositive Motions (limited to 5 pages)		5 days after the Exceptions to Rulings

TRACK 1

<b>Motions in Limine and Trial-Readiness</b>			
	<b>Honeywell's Proposal</b>	<b>Defendants' Proposal</b>	<b>Special Master Proposal</b>
Parties exchange Preliminary Versions of their parts of the Pretrial Order	May 7, 2009	April 27, 2009	TBD by Judge Farnan
Parties exchange objections and supplementation to Preliminary Versions of the Pretrial Order	May 14, 2009	May 4, 2009	TBD by Judge Farnan
Parties Meet-and-Confer Regarding Pretrial Order issues	May 18, 2009	May 6, 2009	TBD by Judge Farnan
Status Conference Regarding Remaining Schedule	May 21, 2009		TBD by Judge Farnan
Motions in Limine/ <i>Daubert</i> Motions	June 4, 2009	May 15, 2009	TBD by Judge Farnan
Responses to Motions in Limine/ <i>Daubert</i> Motions	June 11, 2009	May 22, 2009	TBD by Judge Farnan
Hearings on Motions in Limine/ <i>Daubert</i> Motions	June 18, 2009	June 3, 2009	TBD by Judge Farnan
Rulings on Motions in Limine/ <i>Daubert</i> Motions	TBD	Provided on a rolling basis no later than June 12, 2009	TBD by Judge Farnan
<b>Pretrial Conference</b>			
	<b>Honeywell's Proposal</b>	<b>Defendants' Proposal</b>	<b>Special Master Proposal</b>
Honeywell Provides its Parts of the Pretrial Order	June 25, 2009	June 8, 2009	TBD by Judge Farnan
Defendants Provide their Parts of the Pretrial Order	July 1, 2009	June 15, 2009	TBD by Judge Farnan
Final Pretrial Order	July 8, 2009	June 22, 2009	TBD by Judge Farnan
Pretrial Conference	July 10, 2009	Week of June 29, 2009	TBD by Judge Farnan

## TRACK 1

Commence Trial on all Issues Against all Manufacturer Defendants	July 13-30, 2009	July 13-30, 2009	July 13-30, 2009
<b>Innolux</b>			
Deadline for Honeywell to Conclude Jurisdictional Discovery	Special Master Proposal	November 26, 2008	
InnoLux to Renew its Motion to Dismiss		November 28, 2008	
Honeywell's Opposition to InnoLux's Renewed Motion to Dismiss (limited to 20 pages)		December 9, 2008	
InnoLux's Reply (limited to 10 pages)		December 16, 2008	
Hearing		December 19, 2008	
Ruling	TBD		
Substantive Fact Discovery	Being considered		
Exceptions to Ruling (limited to 7 pages)	7 days from Ruling		
Replies to Exceptions (limited to 5 pages)	5 days from Exceptions		
Expert Discovery	Same Schedule as All Manufacturer Defendants		
Dispositive Briefing and Trial	Same Schedule as All Manufacturer Defendants		

## TRACK 2

<b>Citizen's Motion for Summary Judgment</b>	
<b>Event</b>	<b>Special Master Proposal</b>
Oral Argument and Ruling on Citizen's Motion Re: Disputed Facts (if necessary)	September 29, 2008
Honeywell's Legal Brief (if necessary)	November 3, 2008
Citizen's Reply Brief (if necessary)	November 21, 2008
Oral Argument and Ruling on Citizen's Motion (if necessary)	TBD
Exceptions to Ruling (limited to 7 pages)	7 days after ruling
Replies to Exceptions (limited to 5 pages)	5 days after exceptions

<b>Proposed Schedule for Trial of Manufacturer Defendants</b>	
<b>Pre-Markman Matters</b>	<b>Special Master Proposal</b>
<b>Event</b>	
Opening Briefs Regarding Parties' Exchange of All Communications with Customer Defendants Regarding Accused Products (limited to 4 pages per August 13, 2008 Order)	September 26, 2008
Responsive Briefs re: same (limited to 4 pages per August 13, 2008 Order)	October 10, 2008
Honeywell to produce all communications with customer defendants regarding accused products, to the extent not already done	October 15, 2008
Hearing on parties' exchange of all communications with customer defendants—decision at hearing	October 22, 2008
Hearing on Honeywell's pending motion for discovery regarding commercial success from Customer Defendants—decision at hearing	October 22, 2008

TRACK 2

Pre-Markman Matters	Special Master Proposal
Event	
Hearing on FUJIFILM's pending motion to compel Honeywell's production of its teardown information on modules it found to infringe but omitted from the chart produced in response to Magistrate Judge Thygne's May 17, 2007 oral order (D.I. 848; <b>851</b> ) (contingent on grant of Honeywell's motion for commercial success discovery)	October 22, 2008
Hearing on Manufacturer Defendants' request for Discovery from Honeywell regarding modules Honeywell dismantled but found not to infringe '371 patent (contingent on grant of Honeywell's motion for commercial success discovery)	October 22, 2008
Hearing on enforcement of Magistrate Thygne's Order of May 17, 2007 granting further deposition of Ted Wood re 50% hit rate (if necessary)	October 22, 2008
Hearing on Samsung SDI's pending motion to compel discovery previously withheld by Honeywell as common interest privilege	October 22, 2008
Discovery schedule regarding commercial success – Honeywell to show why it needs more than 45 days to complete discovery	TBD at October 22, 2008 hearing
Exceptions to rulings at October 22, 2008 hearing (limited to 7 pages)	October 29, 2008
Replies to Exceptions (limited to 5 pages)	November 5, 2008

TRACK 2

<b>Supplemental <i>Markman</i> Briefing and Final <i>Markman</i> Ruling</b>	
<b>Event</b>	<b>Special Master Proposal</b>
Honeywell to provide <i>Markman</i> related discovery including infringement contentions to all Customer Defendants	October 1, 2008
Customer Defendants may request supplemental claim construction briefing regarding Preliminary <i>Markman</i> ruling; Customer Defendants must make showing of what discovery is needed not already of record	The latter of 7 days after final ruling on Customer Defendants Motions to Dismiss or 7 days after the Preliminary <i>Markman</i> ruling.
Hearing on Customer Defendants' request for consideration of supplemental claim construction briefing and additional discovery related to claim construction –decision at hearing	The latter of 9 days after final ruling on Customer Defendants Motions to Dismiss or 9 days after Preliminary <i>Markman</i> ruling
Completion of Customer Defendants' discovery regarding claim construction	30 days from hearing on Customer Defendant's request for consideration of supplemental claim construction briefing
Filing of supplemental claim construction brief (same page limits as that for opening claim construction brief)	15 days from completion of Customer Defendants' discovery regarding claim construction
Honeywell to file opposition claim construction brief (same page limits as that for opposition claim construction brief)	10 days from Customer Defendants supplemental claim construction brief
Final <i>Markman</i> Ruling	TBD by Judge Farnan

TRACK 2

<b>Post-Final-<i>Markman</i> Matters</b>	
<b>Event</b>	<b>Special Master Proposal</b>
Parties to supplement interrogatory responses, responses to requests for admission, and document requests	14 days after Judge Farnan's Final <i>Markman</i> ruling
Parties to make election regarding willfulness, including opinions of counsel, and production thereof.	14 days after Judge Farnan's Final <i>Markman</i> ruling
<b>Expert Discovery</b>	
<b>Event</b>	<b>Special Master Proposal</b>
Parties to report to each other whether they will supplement their expert reports on invalidity and unenforceability	10 days after the latter of the Final <i>Markman</i> Ruling or completion of discovery related to commercial success
Service of Reports on Which Each Party Has Burden	Expert reports on issues where each party has the burden 40 days after the latter of the Final <i>Markman</i> ruling or completion of discovery related to commercial success
Service of Expert Reports Responding to those where Each Party has Burden	Service of expert reports in response to opening reports 30 days after service of opening reports
Conclusion of Expert Discovery	21 days after responsive expert reports <ul style="list-style-type: none"> <li>• Invalidity depositions limited to new opinions relating to <i>Markman</i> Ruling and commercial success discovery, and limited to 4.0 hours per expert;</li> <li>• Infringement expert depositions limited to 4.0 hours, per expert, per party; and</li> </ul> Damages expert depositions limited to 4 hours per defendant on Defendant-specific issues, an additional joint 3.5 hours on common issues (e.g., expert's understanding <i>Georgia Pacific</i> factors)

<b>Event</b>	<b>Case Dispositive Motions</b>	<b>Special Master Proposal</b>
Opening Briefs (limited to 20 pages)	21 days after close of expert discovery	
Oppositions to Opening Briefs (limited to 20 pages)	14 days after filing opening briefs	
Reply Briefs (limited to 10 pages)	10 days after filing opposition briefs	
Hearing on Case Dispositive Motions	TBD after Markman ruling	
Rulings on Case Dispositive Motions	TBD after Markman ruling	
Exceptions to Rulings on Case Dispositive Motions (limited to 7 pages)	7 days after the Rulings on the Case Dispositive motions	
Replies to Exceptions to Rulings on Case Dispositive Motions (limited to 5 pages)	5 days after the Exceptions to Rulings	

**Motions in Limine and Trial-Readiness**

<b>Event</b>	<b>Special Master Proposal</b>
Parties exchange Preliminary Versions of their parts of the Pretrial Order	TBD by Judge Farnan
Parties exchange objections and supplementation to Preliminary Versions of the Pretrial Order	TBD by Judge Farnan
Parties Meet-and-Confer Regarding Pretrial Order issues	TBD by Judge Farnan

## TRACK 2

Status Conference Regarding Remaining Schedule	TBD by Judge Farnan
Motions in Limine/ <i>Daubert</i> Motions	TBD by Judge Farnan
Responses to Motions in Limine/ <i>Daubert</i> Motions	TBD by Judge Farnan
Hearings on Motions in Limine/ <i>Daubert</i> Motions	TBD by Judge Farnan
Rulings on Motions in Limine/ <i>Daubert</i> Motions	TBD by Judge Farnan

Pretrial Conference	
Event	Special Master Proposal
Honeywell Provides its Parts of the Pretrial Order	TBD by Judge Farnan
Defendants Provide their Parts of the Pretrial Order	TBD by Judge Farnan
Final Pretrial Order	TBD by Judge Farnan
Pretrial Conference	TBD by Judge Farnan
Commence Trial on all Issues Against all Manufacturer Defendants	November 2009

<b>Innolux</b>	<b>Special Master Proposal</b>
<b>Event</b>	
Deadline for Honeywell to Conclude Jurisdictional Discovery	November 26, 2008
InnoLux to Renew its Motion to Dismiss	November 28, 2008
Honeywell's Opposition to InnoLux's Renewed Motion to Dismiss (limited to 20 pages)	December 9, 2008
InnoLux's Reply (limited to 10 pages)	December 16, 2008
Hearing	December 19, 2008
Ruling	TBD
Substantive Fact Discovery	Being considered
Exceptions to Ruling (limited to 7 pages)	7 days from Ruling
Replies to Exceptions (limited to 5 pages)	5 days from Exceptions
Expert Discovery	Same Schedule as All Manufacturer Defendants
Dispositive Briefing and Trial	Same Schedule as All Manufacturer Defendants